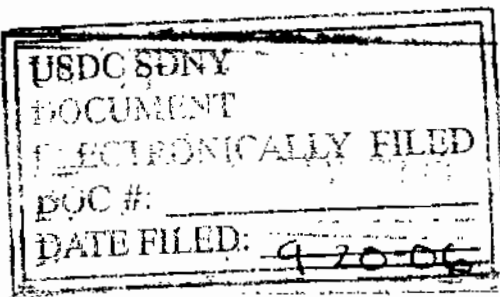


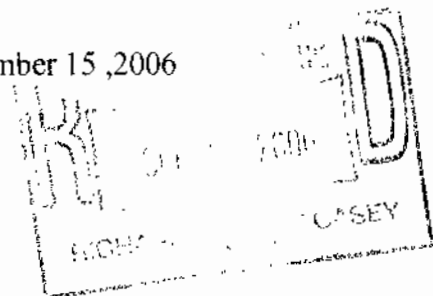
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**By Overnight Mail**

Hon. Richard Conway Casey
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 1350
New York, New York 10007

September 15, 2006



Re: Merit Capital Group, LLC v. Trio Industries Management, LLC,
Trio Industries Holdings, LLC and Robert E. Gycmant; No. 04 CV 7690 (RCC)

Dear Judge Casey:

We are counsel for plaintiff Merit Capital Group, LLC. We have recently been advised that the conference before Your Honor, previously scheduled for September 15 was adjourned, at the request of defense counsel, until September 29th at 10:30am. Although my associate had advised counsel that I was available on the 29th, unfortunately, I am not as I will be out of town that date. I apologize for the confusion and I respectfully request that the conference be rescheduled, perhaps for September 22, at 2:00 p.m. All parties consent to this request, and pro se defendant Daniels had asked that we remind the Court he will be participating by telephone.

Thank you for your consideration of this application.

MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing a copy to all counsel and retaining verification of such in case file. Do not fax such verification to Chambers.

Respectfully yours,

Robert Wolf

cc: David Frydman, Esq.
(via facsimile)
Counsel for Defendant

Mr. Evan Daniels
(via facsimile)
Defendant Pro Se

Application granted. The status conference previously scheduled for Sept. 29 is moved to Friday, Sept. 22 at 10:30 am.
So ordered.

Sept. 11, 2006